

Response to Office Action dated January 10, 2005
Attorney Docket No. 020245.0112C2US

REMARKS

Claims 1-11 are pending. Claims 1-11 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly lacking patentable distinction over claims of U.S. Patent No. 6,284,193 B1 ("the '193 patent"). The '193 patent and the present application are both owned by Cosmed Group, Inc. as evidenced by the assignments recorded at reel/frame nos. 012206/0564 and 013786/0676, respectively. Without concurring with the substance of the rejection, Applicants submit herewith a duly executed Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent.

Because the only rejection is obviated by this submission, this application is believed to be in condition for allowance. Such action is respectfully requested. Should the Examiner not deem the present application in condition for allowance, the Examiner is invited to contact the undersigned at (703) 744-8000 to discuss any matter relating to this application.

Respectfully submitted,

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